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of the master does not excuse the servant's negligence if it was the proximate cause of the injury.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 674, 683; Dec. Dig. § 229.* 16 Va.-W. Va. Enc. Dig. 851.]

10. Appeal and Error (§ 362 (2)*)—Assignment of Error—Sufficiency.—Assignment of error that defendant is advised that errors were committed to its prejudice by rulings of the court on questions propounded to witnesses, is insufficient to meet the requirement that a petition for a writ of error, being in the nature of a pleading, must state clearly the errors relied on for reversal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 1961; Dec. Dig. § 362 (2).* 1 Va.-W. Va. Enc. Dig. 503.]

11. Appeal and Error (§ 843 (2)*)—Review—Matters Not Necessary to Decision.—Where the judgment must be reversed on account of error in giving and refusing instructions, it is unnecessary to consider an assignment of error that the judgment was contrary to the evidence.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 1961; Dec. Dig. § 843 (2).* 1 Va.-W. Va. Enc. Dig. 539.]

Error to Circuit Court, Russell County.

Action by D. W. Call against the Honaker Lumber Company. Judgment for plaintiff, and defendant brings error. Reversed. verdict set aside, and cause remanded for new trial.

Chas. M. Brown, of Roanoke, *Burns & Kelly*, of Lebanon, and *Greever & Gillespie*, of Tazewell, for plaintiff in error.

Wm. H. Werth, of Tazewell, for defendant in error.

SANDS, Commissioner in Chancery, *v.* MOORE Auditor.

Sept. 11, 1916.

[89 S. E. 846.]

1. Statutes (§ 125 (6)*)—Title and Subject.—Act March 27, 1914 (Acts 1914, p. 707), limiting salaries of officers, does not contravene Const. 1902, § 52, providing that no law shall contain more than one object, which shall be expressed in the title.

[Ed. Note.—For other cases, see Statutes, Cent. Dig. § 190; Dec. Dig. § 125 (6).* 12 Va.-W. Va. Enc. Dig. 751.]

2. Municipal Corporations (§ 124 (6)*)—Officers—Compensation—Limitation—Statute.—Proviso of Act March 27, 1914 (Acts 1914, p. 709) § 10, that provisions of the act limiting compensation of officers shall not be effective till expiration of the terms of present incum-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

bents in cities having populations of 100,000, applies to commissioner in chancery and examiner of records of the Tenth judicial district.

[Ed. Note.—For other cases, see Municipal Corporations, Cent. Dig. § 295; Dec. Dig. § 124 (6).* 11 Va.-W. Va. Enc. Dig. 501.]

Original mandamus proceedings by William H. Sands, Commissioner in Chancery, etc., against C. Lee Moore, Auditor, etc. Peremptory writ ordered.

SOUTHERN RY. CO. *v.* ADKINS.

Sept. 11, 1916.

[89 S. E. 847.]

1. Railroads (§ 348 (4)*)—Operation—Duties to Travelers.—Evidence held to show negligence of a railroad in causing injuries to plaintiff at a crossing, on the ground that, had the operatives given a warning signal, or kept a lookout, or operated a switch engine at a reasonable rate of speed, the accident would not have happened.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. § 1142; Dec. Dig. § 348 (4).* 4 Va.-W. Va. Enc. Dig. 128.]

2. Railroads (§ 350 (13)*)—Operation—Duties to Travelers—Contributory Negligence.—Evidence held insufficient to warrant taking the case from the jury on the ground of contributory negligence of plaintiff, injured by a locomotive at a railroad crossing.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. § 1166; Dec. Dig. § 350 (13).* 4 Va.-W. Va. Enc. Dig. 142.]

3. Negligence (§ 136 (9)*)—Questions for Jury.—Negligence cannot as a matter of law be predicated upon a state of facts upon which fair-minded men might differ.

[Ed. Note.—For other cases, see Negligence, Cent. Dig. §§ 293-297; Dec. Dig. § 136 (9).* 10 Va.-W. Va. Enc. Dig. 415.]

Error to Circuit Court, Pittsylvania County.

Action by Lewis Adkins against the Southern Railway Company. Judgment for plaintiff, and defendant brings error. Affirmed.

William Leigh, of Danville, for plaintiff in error.

Geo. T. Rison, of Chatham, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.